

REMARKS

In the Office Action dated February 11, 2005, claims 67-72 and 74-82 were rejected under 35 U.S.C. § 102(e) as being anticipated by Martin (5,653,743). In rejecting the claims, the Examiner stated that the extender 18 of the cited Martin patent is "certainly capable of mating with the longer leg 6, even though such was not the intent." The Examiner further stated that "If the extender 18 engages the longer leg 6 after the graft 2 has been placed in vasculature, it is likely that one of the arteries at a bifurcation would be obstructed. However, at the time of the present invention it was known that such a problem could be overcome by bypass surgery as evidenced by column 2, lines 1-7, of Goicoechea et al., US 5,800,508."

It is respectfully submitted, however, that the cited Martin patent does not anticipate the subject matter recited in the pending claims. Significantly, anticipation under § 102 requires that each and every element or limitation of the claimed invention be disclosed in a single prior art reference. Further, for there to be anticipation, the recited limitations must either be inherent or disclosed expressly and must be arranged as in the claim. Moreover, there must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention.

Since the Examiner indicates that the cited Martin patent does not teach further extending a longer leg, "each and every" recited limitation in independent claim 67 is not found in Martin as is required under § 102. Moreover, since the Martin patent is concerned with maintaining perfusion to body organs (See column 1, lines 14 et seq.), a person of ordinary skill would not read the Martin patent and conclude that it would be logical to "obstruct" portions of vasculature as the Examiner suggests. Thus, the difference between the teachings of the Martin patent and the subject matter recited in the claims is not bridged by one of ordinary skill in the art. More specifically, one of ordinary skill in the art would not further extend leg 18 if the result would be

to cause an obstruction. Finally, it is respectfully submitted that the reliance by the Examiner upon the teachings of the Goicoechea et al. patent as evidence that an obstruction problem could be overcome by bypass surgery clearly exhibits the shortcomings of the Martin patent as anticipatory art. That is, reliance on the teachings of other art aside from that of the cited Martin patent supports the Applicants' position that the Martin patent does not teach each and every limitation recited in the claims and thus, the Martin patent does not constitute anticipatory art.

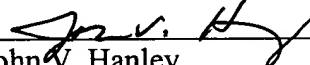
Accordingly, it is respectfully submitted that each of the pending claims recite subject matter which is patentable over the cited Martin patent.

CONCLUSION

Applicants have attempted to completely respond to the rejections set forth in the outstanding Office action. In view of the above amendments and remarks, Applicants respectfully request that the application be reconsidered, the claims allowed and the application passed to issue.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: 
John V. Hanley
Registration No. 38,171

JVH/kst
Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201
89324.1